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BEFORE THE STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

FINAL DECISION AND ORDER

JOHN E. BALDWIN, :
RESPONDENT. :

The State of Wisconsin, Pharmacy Examining Board, having considered the above-captioned matter and having reviewed the Stipulation and Proposed Decision, makes the following:

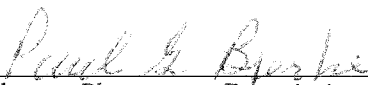
ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Pharmacy Examining Board. Let a copy of this Order be served on the Respondent by certified mail.

A party aggrieved by this decision may petition the Board for rehearing within twenty (20) days after service of this Decision pursuant to section 227.12, Wisconsin Statutes. The party to be named as Respondent in the petition is John E. Baldwin.

A party aggrieved by this Decision may also petition for a judicial review by filing the petition in the office of the Clerk of the Circuit Court for the county where the judicial review proceedings will be held and serving the Board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this Decision pursuant to section 227.16, Wisconsin Statutes. The party to be named as Respondent in the petition is the State of Wisconsin, Pharmacy Examining Board.

Dated this 15th day of December, 1982.



Member, Pharmacy Examining Board

MJB:kr
9592

BEFORE THE STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN E. BALDWIN,
RESPONDENT.

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STIPULATION

The parties in this matter agree and stipulate as follows:

1. That the Respondent freely and voluntarily waives his right to a public hearing in this matter.

2. That without admitting or denying the charges of the complaint in this matter, the Respondent agrees to the adoption by the Pharmacy Examining Board of the Proposed Decision attached hereto and made a part hereof. The complainant also agrees to the adoption of said Proposed Decision.

3. That if the terms of this Stipulation and the Proposed Decision are not acceptable to the Pharmacy Examining Board, then the parties shall not be bound by any of the terms.

10/21/82
Date

S/MJB
Michael J. Berndt, Attorney for
Complainant

10-23-82
Date

John E. Baldwin
John E. Baldwin, Respondent

11/5/82
Date

James R. Thorpe
James R. Thorpe, Attorney for Respondent

MJB:lb
915-978

STATE OF WISCONSIN
BEFORE THE
PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN E. BALDWIN,
RESPONDENT.

PROPOSED DECISION

FINDINGS OF FACT

1. That John E. Baldwin, hereinafter called the Respondent, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 450, Wisconsin Statutes, to practice as a registered pharmacist in the State of Wisconsin.

2. That the Respondent's pharmacist license is number 7769, issued on July 23, 1968.

3. That the Respondent's address is 1013½ East Grand Avenue, Beloit, Wisconsin 53511.

4. That the Schedule V Exempt Narcotic Sales Record for Baird's Pharmacy, 632 East Grand Avenue, Beloit, Wisconsin was examined and revealed:

- (a) That the Respondent, while working as a pharmacist at said pharmacy, dispensed and sold 4 ounces of Terpin Hydrate with Codeine Elixir, a Schedule V controlled substance, to Charles Eddy of Rockford, Illinois on August 16, 1979, although the Schedule V Exempt Narcotic Sales Record indicates that pharmacist R. E. Baird sold 4 ounces of Terpin Hydrate with Codeine Elixir to Charles Eddy on August 15, 1979.
- (b) That the Respondent, while working as a pharmacist at said pharmacy, dispensed and sold 4 ounces of Robitussin A-C, a Schedule V controlled substance, to Michael Richardson of Rockford, Illinois, on both June 4, 1980 and June 5, 1980.
- (c) That the Respondent, while working as a pharmacist at said pharmacy, dispensed and sold 4 ounces of Terpin Hydrate with Codeine Elixir, a Schedule V controlled substance, to James Richardson of Rockford, Illinois, on July 8, 1980, although the Schedule V Exempt Narcotic Sales Record indicates that pharmacist R. E. Baird sold 4 ounces of Terpin Hydrate with Codeine Elixir to James Richardson on July 7, 1980.

(d) That from May 9, 1979, to November 17, 1980, the Respondent or another pharmacist working at said pharmacy, dispensed and sold 239 4-ounce bottles of Schedule V controlled substances to Charles Eddy.

(e) That from March 5, 1980 to August 6, 1980, the Respondent or another pharmacist working at said pharmacy dispensed and sold 50 4-ounce bottles of Schedule V controlled substances to Michael Richardson.

5. That all of the sales described in paragraph 4 were made without the authorization of a physician, dentist or veterinarian.

6. That the Respondent has substantially altered his practices regarding the dispensing of Schedule V Exempt Narcotics.

7. That the Schedule V Exempt Narcotics Sales Record for Baird's Pharmacy, now located at 309 State Street, Beloit, Wisconsin was examined for the months of May, June, July and August of 1982, and revealed a total of 35 sales for the four months with no sales being made to any of the persons listed in paragraph 4 above.

CONCLUSIONS OF LAW

1. That as to subparagraphs 4(a), 4(b), and 4(c), the Respondent has aided and abetted the violation of a law substantially related to the practice of pharmacy, i.e., section 161.23(5), Wisconsin Statutes, contrary to Wisconsin Administrative Code section Phar 5.03(1), and the Respondent has dispensed and supplied a drug as prohibited by law, contrary to Wisconsin Administrative Code section Phar 5.03(3).

2. That as to subparagraphs 4(d) and 4(e), the Respondent has failed to exercise the discretion required by section 161.23(1), Wisconsin Statutes, and thereby has also violated Wisconsin Administrative Code section Phar 5.03(3).

3. That the Pharmacy Examining Board has jurisdiction to take disciplinary action against the Respondent pursuant to section 450.02(7), Wisconsin Statutes, for the violations set forth in Conclusions of Law 1 and 2 above.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the Respondent, John E. Baldwin, shall be and hereby is REPRIMANDED.

IT IS FURTHER ORDERED, that the license of the Respondent shall be limited with the condition that by the fifth day of each month, the Respondent shall forward to the Pharmacy Examining Board a xeroxed copy of the Schedule V Exempt Narcotics Sales Record for the prior month.

Said limitation shall be effective for eighteen months following the date of the Board order in this matter.

IT IS FURTHER ORDERED, that any violation of this Order shall be grounds for further disciplinary proceedings.

MB:kcb
050-850